

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

J. CHRISTOPHER THOMAS,)
Individually and as Trustee of)
U/A/W J. Christopher, Settlor,)
Plaintiff,) 4:09CV3143
v.)
VISTA A&S 2006-1 LLC, a)
Nebraska limited liability company,)
et al.,)
Defendants/Third-Party)
Plaintiffs,)
v.)
JOHN M. CAPITO, JR.,)
Third-Party Defendant.)

**MEMORANDUM
AND ORDER**

Pursuant to the parties' Stipulation of Dismissal With Prejudice (filing [140](#)) and Fed. R. Civ. P. 41,

IT IS ORDERED:

1. All of plaintiff J. Christopher Thomas' claims in this action are dismissed with prejudice, with each party to bear its or their own costs;
2. This order does not affect the third-party claims filed by defendants Vista A&S 2006-1 LLC, Vista Oil & Gas, Inc., David M. Nicklas, and Clark R. Nicklas against John M. Capito, Jr., or Mr. Capito's counterclaims against such defendants,

and such claims and counterclaims shall remain pending;

3. The motion for summary judgment filed by plaintiff J. Christopher Thomas (filing [132](#)) is denied as moot; and

4. Judgment shall be withheld pending final determination of all remaining claims in this case.

DATED this 29th day of June, 2011.

BY THE COURT:
s/ *Richard G. Kopf*
United States District Judge